

Docket No.: 218874US0PCT

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

IN RE APPLICATION OF: :

Michel RENARD, et al. : EXAMINER : BAUM, S.F.

SERIAL NO: 10/030,194 :

FILED: AUGUST 15, 2002 : ART UNIT: 1638

FOR: MUTANT GENE OF THE GRAS FAMILY AND PLANTS WITH REDUCED
DEVELOPMENT CONTAINING SAID MUTANT GENE

RESPONSE TO NOTIFICATION OF NON-COMPLIANT APPEAL BRIEF

COMMISSIONER FOR PATENTS
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SIR:

An Appeal Brief was filed in this application on March 7, 2008, to appeal the final rejection of Claims 1, 4-8, and 11-16 and the rejections set forth in the final Official Action mailed October 5, 2007. On March 24, 2008, Appellants received a Notification of Non-Compliant Appeal Brief indicating that Section V lists an incorrect independent claim number. In accordance with the Notification, Appellants submit herewith a corrected section V in which the erroneous entry of "Claim 40" has been replaced with the correct "Claim 1". Accordingly, Appellants submit that the Appeal Brief as corrected by the present filing is compliant with 37 CFR 41.37. Entry and an action on the Appeal Brief is requested.

V. Summary of the Claimed Subject Matter

As recited in independent Claim 1, the present invention provides an isolated nucleic acid sequence obtained by mutation of a sequence encoding a plant protein of the GRAS family, the wild-type form of which comprises the following peptide sequence (SEQ ID NO:5):

Gly Tyr X₁ Val Glu Glu

in which X₁ represents arginine or asparagine, wherein said mutation results in a modification of said sequence (I, SEQ ID NO:5) such that the nucleic acid sequence encodes a mutant protein comprising the following peptide sequence (SEQ ID NO: 7):

Gly Tyr X₁ Val Glu X₂

in which X₁ is as defined above, and X₂ represents a basic amino acid, and

wherein a plant transformed with said isolated nucleic acid, which expresses said mutant protein exhibits a reduction in plant size as compared to the wild-type plant (see the specification at page 3, line 30 to page 5, line 25, see in particular page 4, lines 31 to page 5, line 9, and page 6, line 26 to page 7, line 19).

The present invention also provides plants with reduced development, mutant plants with reduced development, and descendent plants thereof, which contain one or more copies of a nucleic acid sequence defined above (see the specification at page 5, line 34 to page 7, line 19).

CONCLUSION

For the reasons set forth in the Appeal Brief filed on March 7, 2008, Claims 1, 4-8, and 11-16 are not unpatentable as lacking enablement or as being anticipated by Foisset et al taken with the evidence of Barret et al. Therefore, the Examiner's rejections should be REVERSED.

Respectfully submitted,

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